

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HARRY A. CHRISTOV, et al.,

Plaintiffs,

v.

NOVELLUS SYSTEMS, INC.

Defendant.

Case No.: C 05-3566 RMW (PVT)

**ORDER RE PROPOSED FORM OF
PROTECTIVE ORDER**

On March 27, 2006, the parties filed a stipulated form of protective order.¹ Having reviewed the proposed form of order,

IT IS HEREBY ORDERED that no later than April 14, 2006, the parties shall file a revised form of protective order that incorporates the revisions set forth herein.

Paragraph A.1. shall be revised to read as follows:

“Confidential Material” Defined. The term “Confidential Material” as used in this Order shall mean all “writings,” as that term is defined in California Evidence Code § 250, whether or not embodied in physical medium, which the designating party and counsel believes in good faith contain information that warrants protection under the standards developed under Federal Rules of Civil Procedure 26(c).”

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

Paragraph A.1.c. shall be revised to read as follows:

“The designating party and that party’s counsel shall make a good faith effort to designate as “Confidential Material” only such documents, information and/or things which the designating party reasonably believes warrant protection under the standards developed under Federal Rules of Civil Procedure 26(c).”

The following sentence shall be added to the end of Paragraph A.3.: “The disclosing party shall not disclose any Confidential Material pursuant to this subparagraph absent either written approval of the designating party or a court order allowing the disclosure.

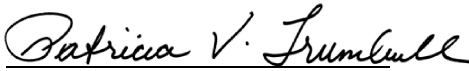
Paragraph A.4. shall be revised to read as follows:

Use in Court Proceedings. If a party wishes to file any Confidential Material with the court, that party shall submit the Confidential Material to the court along with a request to file it under seal pursuant to Civil Local Rule 79-5. In the event Confidential Material is used in any court proceeding herein, it shall not lose its confidential status so long as it is not publicly disclosed. The handling of Confidential Materials during any hearings or at trial shall be determined by the judge presiding at the hearing or trial. The parties shall make reasonable efforts to protect the confidentiality of Confidential Materials during any such use.

The following sentence shall be added to the end of Paragraph A.5.: “Nothing herein shall require the court to return to any party any documents the court does not normally return to parties under the court’s usual procedures.”

The parties may remove all references to the order being “stipulated” if they wish.

Dated: 3/30/06


PATRICIA V. TRUMBULL
United States Magistrate Judge